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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

BRANDIE JEAN STALEY,)

Defendant.)

Criminal No. **11-CR-86-J**

NON-PUBLIC DOCUMENT

ELEMENTS OF THE CRIME AND PROSECUTOR'S STATEMENT

COMES NOW, the United States, by and through its attorney, Randall B. Carnahan, Special Assistant United States Attorney for the District of Wyoming, and respectfully submits the following as the government's prosecutor's statement in this matter.

I. ELEMENTS OF THE CRIME

The Defendant has pleaded guilty to the sole count of the Information – *Unlawful User of a Controlled Substance in Possession of A Firearm*, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2). If this matter were to proceed to trial, the government would be required to prove the following elements of these crimes beyond a reasonable doubt:

1. On or about January 6, 2011;
2. In the District of Wyoming,
3. The Defendant, BRANDIE JEAN STALEY;
4. Then being an unlawful user of a controlled substance as defined in 21 U.S.C. § 802;
5. Knowingly possessed a firearm, that is, a Jennings .22 caliber pistol, model J-22, serial number 146612;
6. Which had previously traveled in and affected interstate commerce.

This is a Class “C” Felony punishable by a term of imprisonment of no more than 10 years, a fine of up to \$250,000, a period of 3 years of supervised release and a \$100 special assessment.

II. FACTS

On January 6, 2011, at approximately 11 :15pm, Wyoming Highway Patrol (WHP), made a traffic stop on a black, 1997 Ford F150, Wyoming registration 17-T-28259, VIN# 1FTDF18W6VNA45260, on Highway 220 at mile post 91. The driver was identified as Charlie BASS, and two other passengers as John KNOX, and Brandie STALEY, During the course of the traffic stop, the Trooper smelled what he believed to be, based on his training and experience, the odor of raw marijuana, coming from the interior of the vehicle.

A WHP K-9 Unit was contacted and responded to the stop location. Troopers removed all occupants from the vehicle to allow a free air sniff by the K-9. While exiting the vehicle, the

driver side door was left ajar by BASS. During the free air sniff, K-9 alerted to the ashtray area of the vehicle indicating the presence of a controlled substance. Troopers located several marijuana cigarettes, commonly known as "roaches", in the ashtray of the vehicle. Troopers began a cursory search of the vehicle base on the probable cause K-9 alert. Troopers located a clear plastic bag and a black garbage bag both containing suspected marijuana and a digital scale in a blue luggage bag in the bed of the truck. Troopers estimated there was approximately one to two pounds of marijuana total in the two bags. Upon finding the suspected marijuana and scale, Troopers contacted the Wyoming Division of Criminal Investigation (DCI), Central Enforcement Team, and an agent responded to the stop location.

Upon arrival, the DCI Agent spoke with BASS. The Agent advised BASS, who was under arrest, of his Miranda rights and asked if BASS would speak with him. BASS stated he wanted his attorney present before answering any questioning. The Agent then spoke with STALEY who also requested a attorney.

The Agent spoke with KNOX who waived his Miranda rights and agreed to be interviewed. Troopers transported KNOX to the Casper Police Department for the interview. DCI Agents interviewed KNOX at the Casper Police Department. KNOX stated substantially the following;

KNOX had moved to Sheridan, Wyoming in November 2009 looking for work as a painter. KNOX had a hard time finding work. KNOX met BASS in November of 2010. BASS told KNOX there was guaranteed work in Oregon if KNOX wanted to go. KNOX, BASS and

BASS' girlfriend, STALEY left Gillette, Wyoming on December 26, 2010 and traveled to Redding, California. Once in Redding, BASS told KNOX the work fell through and all of them would be going back to Wyoming.

While staying at a Motel 6 in Redding, California, a male came up to KNOX and BASS with a black garbage bag that contained poor grade marijuana and offered to sell it to KNOX for ten dollars. KNOX did not have ten dollars and the male told KNOX he could have it for free.

BASS, KNOX, and STALEY left Redding, California on January 2, 2011 and traveled to Reno, Nevada. BASS, KNOX, and STALEY then traveled to Fort Bridger, Wyoming and stayed at STALEY'S cousin's house for two days. On January 6, 2011, BASS, STALEY and KNOX left Fort Bridger at approximately 5:00pm heading to Sheridan, Wyoming.

KNOX stated there was approximately one quarter ounce of marijuana in the vehicle which belonged to him. The marijuana was inside a Tupperware container on the dash and KNOX had put an orange peel in the container to keep the marijuana fresh. KNOX stated a Trooper took a small aluminum pot pipe from KNOX at the stop location and the pipe and Tupperware bowl of marijuana were his. KNOX did not know of any other marijuana or other drugs in the vehicle.

KNOX said BASS did have a handgun, which KNOX described as black and chrome. KNOX said the handgun was between the seat cushions, in the crease between the bottom cushion and the backrest cushion the last time KNOX saw the gun.

When Troopers arrested BASS, he had a holster on his hip. The gun that was in the crease between the bottom cushion and the backrest cushion of the seat of the truck fit that holster. A.22 Cal. Pistol was found in STALEY's purse. DCI agents ultimately located pictures on BASS's phone showing he and STALEY using marijuana and showing himself holding the gun and possessing the gun while smoking marijuana.

ATF Agents, researched the origin of the firearms and determined, based on their origin that they traveled in interstate commerce after manufacture.

DATED this 28th day of March, 2011.

Respectfully submitted,

CHRISTOPHER A. CROFTS
United States Attorney

By:

RANDALL B. CARNAHAN
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